

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THOMAS L. STARK, as joint tenant with right of
survivorship, and

HILARY M. STARK, as joint tenant with right of
survivorship,

Defendants.

Adv. Pro. No. 10-05295 (SMB)

THOMAS L. STARK, as joint tenant with right of
survivorship, and

HILARY M. STARK, as joint tenant with right of
survivorship,

Third-Party Plaintiffs,

- against -

COHMAD SECURITIES CORPORATION,
MAURICE J. "SONNY" COHN and
MARCIA B. COHN,

Third-Party Defendants.

**STIPULATION AND ORDER
OF VOLUNTARY DISMISSAL OF THIRD-PARTY COMPLAINT**

WHEREAS, this action (the “Action”) was commenced on or about December 7, 2010 by the filing of a Complaint [Dkt. 1]; and

WHEREAS, on or about October 3, 2011, the Defendants filed their Answer and Third Party Complaint for Indemnification [Dkt. 9]; and

WHEREAS, Defendants served the Answer and Third Party Complaint on the Third Party Defendants, and on or about November 2, 2011, Defendants filed the Affidavit of Service of the Third Party Complaint on the Third Party Defendants [Dkt. 11]; and

WHEREAS, Defendants and Third Party Defendants have conferred and are prepared to stipulate to dismiss the Third Party Complaint, without prejudice, in accordance with this Stipulation and Order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

1. The Third Party Complaint is voluntarily dismissed, without prejudice.
2. In the event that Defendants commence an action for indemnification against one or more of Third Party Defendants, or their heirs, successors and assigns, within six years of entry of judgment in favor of Plaintiff (a) in the Action or (b) any proceeding relating to or arising out of the Action, Third Party Defendants agree not to assert a defense of statute of limitations to a claim for indemnification for a judgment in favor of Plaintiff. Third Party Defendants reserve their rights to assert all other defenses.

Dated: New York, New York
April 18, 2017

VINSON & ELKINS LLP

/s/ Marisa Antos-Fallon

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Attorneys for Third Party Defendants

So Ordered this 18th day
of April 2017

/s/ Stuart M. Bernstein

U.S.B.J.

OTTERBOURG P.C.

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